

REMARKS

Status of the Claims

Claims 28-35, 41-55, and 65 are pending. Claims 28, 30, 41, 42, 46, 47, 51, 54 and 55, have been amended herein to more particularly point out the invention. Support for the amendment to claim 28 is found in the specification on page 2, lines 12-18 and claim 28 as originally filed. Support for the amendment to claim 30 is found in the specification on page 21, lines 25-35 and claim 30 as originally filed. Support for the amendment to claim 41 is found in the specification on page 1, lines 20-26; page 7, lines 21-25 and page 10, lines 15-19. Support for the amendment to claim 42 is found in the specification on page 10, lines 15-18. Support for the amendment to claim 47 is found in the specification on page 10, lines 22-27; page 11, lines 20-21; page 13, lines 7-12. Support for the amendment to claim 51 is found in the specification on page 13, lines 27-30. Support for the amendment to claim 54 is found in the specification on page 2, lines 1-15. Support for the amendment to claim 55 is found in the specification on page 19, line 5 and page 20, lines 25-30. Claim 65 has been cancelled herein.

Indefiniteness Rejection Under 35 U.S.C. § 112

Claims 28-35, 41-55, and 65 stand rejected under 35 U.S.C. § 112 second paragraph as allegedly indefinite. The Office raises specific objections with respect to claims 28, 29, 30, 51, 54, 55 and 65. Regarding claim 28 the Office alleges that the phrase "suitable tissue" is unclear. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have amended claim 28 to recite:

"cultured epidermal cells, acellular dermal matrix, cellular matrix, and mucosa."

Applicants believe the amendment obviates the rejection.

Regarding claim 29 the Office alleges that the phrase "such as" renders the claim indefinite. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have deleted the phrase from claim 28. Applicants believe the amendment obviates the rejection.

Regarding claim 30 the Office alleges that the phrase "the site" lacks antecedent basis. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have deleted the phrase from claim 30. Applicants believe the amendment obviates the rejection.

Regarding claim 51 the Office alleges that the phrase "aggregates" lacks antecedent basis. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have amended claim 51 to correct its dependency. Applicants believe the amendment obviates the rejection.

Regarding claim 54 the Office alleges that it is unclear whether the phrase "a mammalian recipient bed or lesion" refers to the bed or lesion of step b) in claim 28 or a different bed or lesion. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have amended claim 28 to recite: "the mammalian recipient bed or lesion." Applicants believe the amendment obviates the rejection.

Regarding claim 55 the Office alleges that the phrase "cosmetically acceptable excipient" lacks antecedent basis. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have deleted the phrase from claim 55. Applicants believe the amendment obviates the rejection.

With respect to claim 65, the Office alleges it is unclear whether step b) is meant to be deleted or if the an additional step is to be added. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have cancelled claim 65.

Written Description Rejection Under 35 U.S.C. § 112

Claims 28-35, 41-55, and 65 stand rejected under 35 U.S.C. § 112 first paragraph as allegedly failing to comply with the written description requirement. The Office specifically alleges that claims 28 and 65 recite new matter. Claims 29-35 and 41-55 depend on claim 28. With respect to claim 28, the Office alleges that the phrase "cell culture" and "suitable tissue" lack descriptive support. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have deleted the terms from claim 28 and amended the claim to recite: "cultured epidermal cells, acellular dermal matrix, cellular matrix, and mucosa." Applicants believe the amendment obviates the rejection.

With respect to claim 65, the Office alleges that the phrase "after application of the graph as described in step c)," lacks descriptive support. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have cancelled claim 65, thus obviating this rejection.

Enablement Rejection Under 35 U.S.C. § 112

Claim 65 stands rejected under 35 U.S.C. § 112 first paragraph as allegedly failing to comply with the enablement requirement. The Office specifically alleges that the specification provides inadequate guidance regarding practicing the claimed

method. Without acquiescing in the rejection, and for the sole purpose of expediting prosecution, Applicants have cancelled claim 65, thus obviating this rejection.

CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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